Previous references.

190 .

(Mis.)

Later references.

File No. 42 -03.

Serial Nos. 1- 4

GENERAL AND REVENUE SECRETARIAT.

Levy of fees by Medical Officers for certificates given by them to private persons.

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1. From the Offg. Senior Surgeon and Sany Commr.
No. G.1363 dated 28th October 1903. (No. G. 496 dt 26.10.03)

Invites reference to an order of the Government of Madras on the subject and requests that the same ruling may be made in the Mysore State.

2. To the same. No. G.3001 dated 11th December 1903.

Requests him to forward the Madras Government Order No. 1382, Judl, dated the 12th August 1889.

3. From the same. No. G.1989 dated 18th December 1903.
(No 4339 dt 4.11.03)
Forwards the G. O. called for in the above.

4. To- The senior Surgeon, Heads of Departments. Presidents of Municipalities, Deputy Commissioners of Districts, Th Offg. Comptroller, Mysore Government.
No. G.3989-4038 dated 11th February 1904.

Directs that a fee not exceeding two days' pay (without allowances) and subject to a maximum of Rs 5/- be charged in each case where a certificate, opinion or evidence is given by a Medical Officer in Government, Municipal or Local Fund Service at the instance of a private person.

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

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‡ **Subject.**

Levy of a fee on Certificates of injury &c granted by Med. Officers to private parties.

The Offg Senior Surgeon's letter Q 1968 the 26th October, 1903.

* **Note.**

In his letter of the 14th September, 1903, to the Surgeon in charge of the Victoria Hospital, one of the Hospital Apts of that Hospital, by name P. S. Ramachendriar states that the Medical Subordinates are at present not allowed to charge any fee for certificate of injury &c granted to private persons, and requests that the levy of a fee of Rs 5/- or at the rate sanctioned by the Madras Govt in their order of the 13th August 1896 may be sanctioned.

In forwarding the above and a copy of the Madras Govt order referred to, the Offg Senior Surgeon requests that the

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‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

the same ruling as that contained in the Madras Govt. order of the 13th August, 1896, may be brought to force in this Mysore Govt. also.

The order of the Madras Govt referred to lays down that the fee shall not exceed two day pay (without allowances), subject to a maximum of Rs 5/, and that no medical subordinate shall have recourse to a Court of Law for the recovery of a fee except with the previous permission of a Distt Med. Officer &c.

A copy of the Govt. order No 1195-1203 of 4th May, 1886, prescribing rates of fees for attendance at private residences is put up. But this order does not fix any fee for the grant of certificates.

Subd for orders -

27/4/03

28/4/03

The case referred to in the order of Madras Govt is an exceptional one. But if the general rule as laid down is to be sanctioned, it is likely to lead to considerable a-

3

base & I think it shd.
not be sanctioned.

Draft submitted for
appl

H
30/11/3

The Govt
through the Govt
Councillor

Let the question be
further noted & put before
Govt. orders are passed
Please submit a copy
of the Madras Govt order
of 12th August 1889 referred
to in the order of 13th April
1896 relied upon. C 2/12/03

Cash Sec 87

H
3/12/3

Subd with a copy of the
order of the Madras Govt of the
12th August 1889, received
from the Offg Senior Surgeon.

600
26.xii.03

H
19/12/03

H
22/12/03

H
23/12

I can see no objection to
the Madras practice being
introduced into Mysore. I
apprehend no inconvenience
what is required is a general order
of the kind hoped for by the Madras Govt.
29/12/03. C.

Subd to the Govt
29/12/03 H

15018
T.1.04

That seems to be a
correct order — C

06691

I agree with the Commission

25.1.04

Issue accdgly -

27/1/4

Issue the draft first d/c.

KL 2/2/04

87.

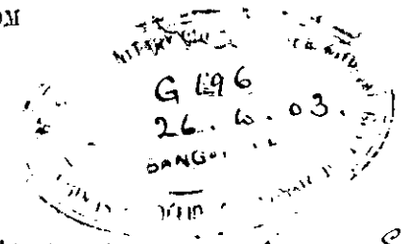
87. 1

G 1363

190

28/10/03

From



To

H. V. Nanjundayya Esqr M.A. M.L.
Secy to Govt
Genl Mer depts.
Bangalore.

Dated

Despatched

Received

General No.

No.

Enclosure No. 2

Recommending the levying of fees by medical officers for granting certificates.

l
28/10

2

From,

Lt. Col. John Smyth M.D.,I.M.S.

Offg. Senior Surgeon and Sanitary Commissioner,

with the Government of Mysore,Bangalore.

To,

H. V. Nanjundayya Esqr, M.A.,M.L.

Secretary to the Government of Mysore,

Genl. and Rev. Departments, Bangalore.

Dated 26th October 1903.

No. G196

Sir,

In forwarding the accompanying Memo No.605 dated 16-9-1903 from the Surgeon in charge Victoria Hospital giving cover to a letter dated 14th idem from Hospital Assistant P.S.Ramachendrier of the Victoria Hospital re fees to the Medical Officers for the grant of certificates,I have the honor to invite favor of reference to the accompanying copy of Government Order No.865 dated 13th August 1896 of the Government of Madras on the subject,and to request that the same ruling may be kindly made in the Mysore State.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.

Lt.Col.I.M.S.

Offg.Senior Surgeon and Sany.Commr.M.G.

C.V.

From the Surgeon General,No.90,dated 8th February 1896.
From the Surgeon General,No.71-Tour,dated 7th May 1896.
From Acting Surgeon General,No.356,dated 7th August 1896.

Order No.865,Public,dated 13th August 1896.

It appears from the correspondence placed before Government that a lady resident of Yercaud enquired by letter of the hospital assistant attached to the Local Fund hospital at that station whether the illness from which a certain individual who was the bearer of her letter,was suffering was such that her ayah (his aunt) could safely visit him and afterwards return to the lady's child. The Hospital Assistant accordingly examined the man and gave the opinion for which he had been asked.Shortly afterwards he sent in his bill for Rs.5;payment was refused,and he ultimately recovered the amount through the local court. The lady appealed against the levy of the fee.

2. It appears that the person in regard to whose state of health the question was put was neither an in nor an out patient of the hospital at the time,nor had he been either on account of the disease from which he was suffering. His examination was therefore no part of the hospital assistant's ordinary duties. There can be no doubt that the hospital assistant was within his rights in charging the fee which he did,under G.O.,No.1382,Judicial,dated 12th August 1889.

3. It appears to the Government that the fee of Rs.5 fixed in paragraph 3 of the Government order quoted is disproportion-

-ate

disproportionate to the pay of an hospital assistant. His Excellency the Governor in Council is therefore pleased to direct that in future the fee authorized by paragraph 2 of G.O.,No.1382 Judicial,dated 12th August 1889,shall not exceed two days pay (without allowances),subject to a maximum of Rs.(5) five.

4. His Excellency in Council further orders that in future no medical subordinate shall have recourse to a court of law for the recovery of a fee except with the previous permission of a District Medical Officer,or of the Chairman of a Municipality,or the President of a District Board,as the case may be.

(True Extract.)

Sd/ J.F.Price,
Chief Secretary.

" C O P Y "

M.D.
Lt.Col.I.M.S.
Offg.Senior Surgeon and Sany.Commr.,M.G.

5/

Ex 2: 1530
17-5-03

D f: 605 Encl
16-9-03.

Forwarded to the Senior Surgeon Madras for favor of disposal.

Lt Col M.D
Surgeon in Charge
Victoria Hospital
Bangalore

190

From P.S. Ramachandra Iyer Hospital Asst

To The Surgeon in Charge Victoria Hospital Bangalore

Dated 14th May 03

Despatched 23rd May 03

Received

General No. No.

Enclosure No.

Sir

I beg to bring to your kind notice that at present medical diplomates are not allowed to levy or accept fees for certificates of any kind or for any other cause from private persons, there are no such certificate fees are allowed.

81-2 10 6

Office Draft. (Docket.)

Mysore Government,
General & Revenue Secretariat.

To The Offg Senior Surgeon

Date of passing the draft
Date of despatch 11—12—03

Regd. No. G 3601
File No. & date (if any)

No. of Encls.

His letter No G 196 dated the 26th October 1903 about the levy of fees on Certificates of injury &c.

With reference to the above, I am to request that the Offg Senior Surgeon will be good enough to forward to this Office a copy of the Madras Govt Order No 1382, Jud., dated the 12th August 1889, referred to in

Item 2 of the same
Govt Order No 865 Dated
the 13th August 1896,
Copy of which was
received from them
with the letter herein
referred.

By order

WD
7/12/03
Fordsey

HM
5/12/03

The Madras Presidency Medical Certificates are granted freely, and unnecessarily called on to give evidences in courts. I therefore beg that you will be pleased to recommend for the fees of Rs five for such certificates on the rate now fixed by the Madras Govt. I enclose a copy of Govt Proceedings for your perusal.

I beg to remain

your most obedt Servt

D. Ramachandra

Hospital Assistant

✓ G 1989
8

MYSORE GOVERNMENT GENERAL SECRETARIAT 16-12-1903

81-3

From Lieut. Col. John Smyth M.D
I.M.S.
Offg: Senior Surgeon & S.G
I.M.G.

To

H. V. Nanjundayya
Esq: M.A, M.L
Secretary to the Govt:
of H.H. the
Maharajah of Mysore
Bangalore

Dated 16.12.03.
Despatched
Received
General No. G339
No.

Enclosure No. one.

Forwarding a Copy of the Madras Government Order No: 1382 Dated the 12th August 1889 anent the levy of fees on ms certificates of injury &c

G 18.12.03
Refer as to c.
934
18/12/03

Read:- letter from the President, District Board, Kistna, dated Masulipatam, 23rd May 1889, No.44.

Order No. 1382, Judicial, dated 12th August 1889.

With reference to the question raised in the foregoing letter from the President, District Board, Kistna, the Government considers that a fee may legitimately be charged for a certificate, opinion, or evidence given by a Medical Officer in Government, Municipal or Local Fund service at the instance of a private person for any purpose, whether it be in connection with a civil or criminal proceeding or not, and the fact that such person was treated in a state, Municipal or Local Fund Hospital should not exempt him from payment of such fee.

2. As regards the fee to be charged, it is for the public interest that it should be fixed high enough to prevent the duties of the Medical Officer as a public servant being wantonly interfered with, and the Government is of opinion that a fee of Rs.5 may be fairly charged in each case.

3. In connection with this subject, the further question arises whether Medical Officers who are public servants should receive any fee from public revenues for giving certificates, opinions, or evidence regarding any proceeding of public interest such as inquests are or judicial inquiries into non-compoundable offences. The Government does not consider that they should, and in the case of Medical Officers in Local and Municipal employ, the Government pays a portion of their salaries expressly in order that such public services may be claimed as of right. The orders of Government, No.1327, dated 4th June 1880, and No. 937, dated 11th May 1881, so far as they conflict with the orders now issued, will be considered as cancelled.

True Extract,
Sd/ J. F. Price,
Chief Secretary.

"COPY"

B. O.

Personal Asstt.

To the Senior Surgeon and Sany. Comm., M.G.

8 No.G. 339 Dated 16th December 1903.

From

Lt. Col. John Smyth M.D.,I.M.S.

Offg. Senior Surgeon and Sanitary Commissioner

with the Govt. of H.H. the Maharaja of Mysore

Bangalore.

To

H. V. Nanjundayya Esqr, M.A.,M.L.

Secretary to the Govt. of H.H. the Maharaja of

Mysore, Genl. and Rev. Departments, Bangalore.

Sir,

With reference to docket No.3001 dated 11th December 1903 requesting to forward a copy of the Madras Government Order No.1382, Judicial, dated the 12th August 1889, anent the levy of fees on certificates of injury &c., I have the honor to forward the accompanying copy of the Government Order called for therein.

I have the honor to be,

Sir,

Your most obedient servant,

By order,

Personal Assistant

to the Senior Surgeon and Sany.Commr.,

C.V.

Sent 11/2/04 1904

Read:— Correspondence ending with No 339 dated the 16th Dec 1903, from the Offg Senior Surgeon and Sanitary Commr with the Govt of Mysore, recommending that the ruling of the Madras Govt, authorising the levy of a fee on certificates granted by Medical Officers may be brought into force in the State.

No 11 Xp 3989—4038
dt 11th Feb/1904

Order thereon

The Govt of H. H. the Maharaja Considers that a fee may legitimately be charged for a certificate, opinion, or evidence given by a Govt, Municipal or Local Fund Medical Officer in the service of the State at the instance of a private person for any purpose, whether it be in connection with a Civil or Criminal proceeding or not.* ~~the fact that such person was treated in the Govt, Municipal~~

* the fact that such person was treated in a State, Municipal or Local Fund Hospital shall not exempt him from payment of such fee.

they are accordingly pleased to direct that a fee not exceeding two* days pay (without allowances), and subject to a maximum of £5 may be charged in each case

* Vide for rate of fee Regulations, 1914 - Cl. 1.

January 1914 Vide Page

AH 2/2/14

DJ Secy

DJ

2/2/14 AH

1/1/14

Sent AH 2/2

Press copy made 9/2.

Do/

The Senior Surgeon
Heads of Depts
Dy Commrs of Depts
Presidents of Municipalities
and Local Fund Boards.
Offg Comptroller

G 3989 – 4038

15

Proceedings of the Government of His Highness the Maharaja of Mysore, General, dated 11th February 1904.

READ—

Correspondence ending with No. G. 339, dated the 16th December 1903, from the Officiating Senior Surgeon and Sanitary Commissioner with the Government of Mysore, recommending that the ruling of the Madras Government, authorizing the levy of a fee on certificates granted by Medical officers may be brought into force in the State.

No. G. 3989-4038, DATED BANGALORE, 11TH FEBRUARY 1904.

ORDER THEREON.—The Government of His Highness the Maharaja consider that a fee may legitimately be charged for a certificate, opinion, or evidence given by a Medical officer in the Government, Municipal or Local Fund Service of the State at the instance of a private person for any purpose, whether it be in connection with a Civil or Criminal proceedings or not, and the fact that such person was treated in a State, Municipal or Local Fund Hospital, should not exempt him from payment of such fee. They are accordingly pleased to direct that a fee not exceeding two days' pay (without allowances), and subject to a maximum of Rs. 5 (five), be charged in each case.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts

To—The Senior Surgeon and Sanitary Commissioner with the Government of Mysore.
The Heads of Departments.
The Deputy Commissioners of Districts.
Presidents of Municipalities and Local Fund Boards.
Officiating Comptroller to the Government of His Highness the Maharaja of Mysore.

Exd.—C. V.

1903-04

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

GENERAL

PROCEEDINGS

Dated 11th February 1904

No. G. 3989-4038

Directing the levy of fees on certificates granted by Medical officers in the Government, Municipal or Local Fund Service of the State.

SBP—23-2-04—300